



# **NATURAL RESOURCE USE AND MANAGEMENT PLAN**

## **Amending the Carbon County Master Plan**



Developed by Carbon County Planning and Public Lands Departments  
And the Master Plan Steering Committee 2006 -2009

**February 2, 2010**

# **CARBON COUNTY, UTAH NATURAL RESOURCE USE AND MANAGEMENT PLAN**

Natural resources within Carbon County must be used and managed responsibly in order for this and future generations to not just survive, but to thrive and prosper into the future.

Our natural resources are abundant. Some are finite, however many are renewable. This plan is designed to protect our lands and also recognize the importance of the resources existing in the county and the impact of their use on humans, the economy, and the land. This plan recognizes the role of humans in nature and is intended to be flexible and forward looking into the future so that new challenges and opportunities can be met or maximized. The plan is organized generally by resource, but all resources are directly related to each other and our future. The major goal of this plan initially, is to foster a renewed understanding by our citizens of the absolute connection between the land and the people. The other goal of the plan is to set policy on resource use and methods of management. This plan is an addendum to the Carbon County Master Plan.

Future proposed development projects shall be considered for compliance with the Development Code, for the zoning district in which it is located, and on the merits of the proposal, unless a change of zoning district(s) is requested. The Utah Code regarding land use prohibits a moratorium without official action, therefore each project shall be considered relative to the zoning district in which it is located presently or the approved zoning district change. This plan was developed by the Planning Department staff, and the Public Lands Department with the guidance and assistance of a steering committee, and has been reviewed by experts, consultants, and the Planning Commission. It was adopted following a public hearing before the County Commission. It is a part of our Master Plan. The purpose of this plan is to:

- Encourage coordination between federal agencies and local governments, public land managers, and private landowners
- Support responsible development and the long term health of the land
- Support methods that derive maximum public and private benefit from resources
- Improve or maintain the present condition of all renewable resources and lands
- Recognize that maximum reasonable resource utilization for and by livestock will be most beneficial to wildlife health and survival
- Provide for local involvement in public lands management
- Ensure that decisions made pertaining to natural resources, benefit our citizens and their posterity, thereby benefiting society
- Support the development of a public education program to reinforce our citizens' connection to the land
- Protect private property rights and agriculture

As a rural public land county, we are bound by natural and human forces to be involved in conflict with the many social movements to restrict resource extraction and agricultural land uses. This plan seeks to balance local custom, culture and tradition with the recreational and preservation intent of the various organizations and movements to close the land to all but recreation and non extractive uses and those uses that these groups approve of. The urban areas of our state wish for the land to remain untouched, yet our local families rely on natural resource extraction and land use.

The following issues and challenges in resource planning and use are addressed to give policy direction to county departments, and federal and state land management agencies, while providing information for private landowners.

In order to implement this plan, the widest possible dissemination to the public and other agencies is the policy of the county. By being aware of this plan the citizens of Carbon County can hope to reconnect with the history, customs and culture of the region and to go forward using and respecting natural resources, and the people who have used and enjoyed these resources for over a century, while leaving them in suitable condition for our generation. It will be left to the next generations to use these resources wisely. As other issues arise, they will be addressed by the planning department and may be included in this plan through future amendments.

#### **Plan Definitions:**

**Irreparable:** Not reparable or remediable.

**Trail:** A designated route. A path or corridor of open space which accommodates the free passage of people, carts, motorized vehicles, horses, pedal powered cycles, merchandise, commercial and industrial goods, maintenance equipment and crews, hunters, fishermen, recreationists, and others.

**Trail System:** A system of roads, routes, and rights of way that have been designated and mapped by the County for the purpose of transporting people, goods, and services.

**Road:** An established route as shown in the County Recorder's Office or on the official maps of Carbon County and/or the State of Utah.

**Right of Way:** An established route which may or may or may not be mapped. Rights of way may be held by the public or individual(s). A right of way need not be evident on the land but may still exist as a legal right of way.

**Wetland:** Areas of at least one half acre that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do

support a prevalence of vegetation typically adapted for life in saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas.

**Silviculture:** The science and management of stands of forest trees.

**Wilderness:** Areas of 5,000 acres or more where man is a visitor and has made no mark on the land, such as fences, ponds, roads, pipelines, wells, and other mechanical disturbances.

**Glossary of Terms used in this plan:**

**ACEC:** Areas of Critical Environmental Concern

**BLM:** The Bureau of Land Management, A part of the US Department of Interior

**DNR – or UDNR:** The Utah Department of Natural Resources

**FLPMA:** The Federal Land Management Policy Act, passed on October 17<sup>th</sup>, 1976. It repealed RS 2477

**GIP:** The Utah Grazing Improvement Program

**Grazing Advisory Board:** A Board of the Utah Department of Agriculture and Food

**NSO:** No Surface Occupancy

**SITLA:** State Institutional Trust Lands Administration

**SRMA:** Special Recreation Management Area

**USFS:** The United States Forest Service, part of the United States Department of Agriculture

**VRM:** Visual Resource Management

**WCA:** Wilderness Characteristics Area

**WIA:** Wilderness Inventory Area

***The Carbon County Commission, by adopting this plan declares that the following policies, goals, objectives and strategies to achieve resource independence and excellence:***

## **Mineral Development**

Mineral development and extraction is the mainstay of Carbon County. Coal has been king for over a century and now natural gas has been successfully developed in the county. The majority of the gas resource lies under federal public land and State lands. It is well documented that Utah has been ranked as a top mineral and fossil fuel producing state for over a century.

County policy is to maximize energy resources for the benefit of our county, the State of Utah and the nation. The County places emphasis on minimizing adverse affects to plants, wildlife, livestock, air, cultural resources, archeological resources, and especially impacts to human resources during the exploration for and extraction of minerals. We have observed in recent years that most of the new discoveries of cultural and other artifacts in the county have been as a direct result of mineral exploration.

Because our plan looks to the vast array of the impacts of mineral extraction, we recognize that every aspect of development, construction and production is regulated by many regulatory agencies to limit disturbance and adverse impacts. We also recognize that the energy industry funds many studies of resources during the exploration phase of development, which have led to a greater understanding of our past. They also fund wildlife habitat restoration, vegetative reclamation, water improvement and protection and other valuable projects on the land. Cooperative efforts through the Utah Partners for Conservation and Development and the Grazing Improvement Program have created habitat improvements to mitigate negative impacts and to increase watersheds and rangeland health. Extractive industries often fund these improvements as a part of their projects while local livestock grazing permit holders sign long term maintenance agreements to maintain many of these improvements.

This connection between different land users benefits the land and wildlife directly. Past projects have included sage grouse studies, the establishment of wild turkey populations and other habitat improvements. These improvements also benefit taxpayers in that the public enjoys the increase in habitat and wildlife without paying for the improvements. Many of these energy companies support local sports, recreation and charitable groups and activities.

Contrary to this trend by traditional land users, is the habit of special interest groups constantly filing lawsuits to obstruct the continuing economic activity and extraction of needed natural resources. The majority of these groups have little or no record of contributing financial support or long term commitments to actual land improvements in Carbon County. Their lawsuits reduce the ability of our citizens to find full time employment and educate their children and also curtail the funding for viable watershed and rangeland projects.

Carbon County policy is to encourage responsible mineral and energy development with the least impact, and stands resolute in defending county and state adopted plans.

1. Goal: Facilitate immediate and orderly ongoing extraction of mineral resources.

1.1 Objective: To coordinate efforts with SITLA, BLM and USFS and all agencies in development of mineral resources on state and federal lands.

1.1.1 Strategy: Continue as a cooperator in the West Tavaputs Project Federal Environmental Impact Statement to until the project is approved.

1.1.2 Strategy: Continue implementation and monitoring of the BLM and USFS Resource Management Plans for the county.

2. Goal: Continue long term County involvement in mineral project review.

2.1 Objective: Enforce the Carbon County Development Code and ensure compliance with the adopted Master Plan.

2.1.1 Strategy: Monitor current and proposed mineral extraction projects and work to modify plans as needed.

2.1.2 Strategy: Keep the Planning Commission, County Commission and other County Officials informed of state and national projects and trends.

2.2 Objective: Coordinate with the State to ensure timely review and approval of projects.

2.2.1 Strategy: Maintain our working relationship with the Division of Oil Gas and Mining and the Department of Natural Resources, Utah Department of Environmental Quality, Utah Division of Wildlife Resources and other agencies.

2.2.2 Strategy: Continue to comment as needed on proposed and ongoing projects.

3. Goal: Engage in legal remedies as deemed appropriate to protect adopted county plans.

3.1 Objective: Develop and maintain working relationships with public and private organizations with similar goals.

3.1.1 Strategy: Maintain our current working relationship with the Utah Association of Counties and other governmental associations and organizations.

3.1.2 Strategy: Maintain and develop relationships with other public and private entities and organizations.

3.1.3 Strategy: Maintain a consulting lobbyist in Washington D. C. to address public and private land issues relative to natural resources issues.

3.1.4 Strategy: Identify financial resources to fund legal challenges to obstructive lawsuits.

3.1.5 Develop legal precedent to require financial loss caused by obstructive lawsuits to be paid for by the plaintiffs while stopping or restricting use of the Equal Access to Justice Act and judgment account funds by non governmental organizations for lawsuits that take jobs away from Carbon County.

3.1.6 Strategy: Engage with the Utah Association of Counties, and other agencies to modify or clarify the national Environmental Policy Act in order to reduce cause for lawsuits.

4. Goal: Ensure maintenance of habitat and other land improvements.

4.1 Objective: Establish and maintain working relations with organizations capable of designing, constructing, and maintaining land improvements.

4.1.1 Strategy: Work with all partners interested in land improvements for livestock and wildlife.

4.1.2 Strategy: Work for long term sustainability of land improvements post operations through maintenance agreements and other techniques.

4.1.3 Strategy: Continue to engage as a party to final bond release inspections of mines, gas wells and other mineral development projects.

4.1.4 Strategy: Review Division of Oil Gas and Mining standards and actions that show bias toward traditional land uses such as grazing, timber harvest, and access.

## **Watershed Management**

Proper watershed management is the key to increasing both the quality and quantity of our fresh water supply. The active development and maintenance of our watersheds is of paramount importance to continue the quality of life we wish and to ensure continuing economic development, wildlife resource health, the livestock industry's profitability, tourism, recreation and forest health.

In general, we are opposed to federal and special interest corridor management plans as being too narrow in scope to properly address our needs, challenges and requirements to maintain an adequate and safe water supply for our present and future needs. The possibility of catastrophic fires in our watersheds is of paramount concern. It is absolutely necessary that fuel load buildup be identified and removed from watersheds to eliminate the risk of conflagration, and subsequent mud slides and impacts to water quality.

Our watersheds are a part of our infrastructure, and as such, we support and encourage vegetative manipulation and the removal of Conifers, Pinion, Juniper, Russian olive, and Tamarisk in a timely and silviculturally responsible manner, especially in river corridors, and their replacement with grasses, brush, forbs, and trees determined to enhance watersheds, especially aspen.

Conifers do not shed their needles in the winter. Because of this characteristic snow tends to stay in the crown instead of falling all the way to the forest floor. With the snow being retained in the crown, the snow is subject to sublimation. When snow is sublimated, it goes from a solid (snow) to a gas (water vapor) without turning into a liquid (water) first. Thus, the snow is evaporated before it has a chance to turn into water and flow into a nearby stream or soak into the ground to recharge the underlying aquifer. An aspen forest does allow snow to readily reach the forest floor because aspen loses their leaves in the winter. With the snow lying on the forest floor, the snow is less likely to be subjected to sublimation.

Also, an aspen forest has a more open crown than a conifer forest, thus allowing some sunlight to penetrate the crown layer to reach the forest floor. With the combination of more sunlight being able to reach the forest floor, partial shading of the ground by the aspen canopy, and more moisture in the soil, more favorable conditions are created to allow grass communities to flourish.

The fire risk to a conifer forest is greater than an aspen forest. A conifer forest has a closed canopy. The crowns are fuller and denser than an aspen forest. With the needles and branches being close together, a fire that get started in a conifer forest has a greater chance to turn from a surface fire into a crown fire. A crown fire is more difficult to suppress and is more expensive to control than a surface fire.

We support the Utah Watershed Initiative under the direction of the Utah Department of Natural Resources and the Healthy Forest Restoration Act (HFRA) of 2003. We encourage the creation of healthy forests and actively promote the use of silvicultural tools to prevent the loss of forests due to insect and a disease activity.

The pollution of waters in the county and the sources of any pollution, especially in the Scofield Reservoir, are open to interpretation as information becomes available to the county. Many agencies and individuals believe that pollution is predominantly caused by humans and livestock. Previous studies have pointed to the naturally occurring phosphates in the area soils as the major contaminant in Scofield. Salinity is the major contributor in the lower drainages. Information and studies regarding the pollution of waters by wildlife activity and defecation are scarce. Carbon County will support studies that focus on this source of pollution.

Carbon County is unique in that we have no culinary water wells in valley locations due to the salinity of the soils and groundwater. All of our culinary water comes from our watersheds.



Access to these key watershed areas may be required from time to time, but we are generally opposed to permanent roads, other than historic rights of way, in critical watershed areas.

1. Goal: Carbon County will participate in the management of watersheds on public and private lands watersheds to optimize quality and quantity of water.

Objective: To create a healthy forest at a climax stage rather than a seral stage of development in order to ensure the proper vegetative cover in watershed areas to promote and optimize the production of fresh water for wildlife, agriculture, industry, commerce and culinary use, while also improving range conditions for both livestock and wildlife.

1.1.1 Strategy: Support the creation and archiving of surveys and maps of all watershed areas, as to types of vegetation, density of vegetation, condition, date of survey, state of decadence, desirability for current uses, slope and other features, whether on public or private lands, to identify areas that could benefit from watershed improvements.

1.1.2 Strategy: Work with the private landowner(s), federal, or state agency, in cooperation with Utah Forestry Fire & State Lands and the County Forester to remove fuel load buildup by prescriptive grazing, silviculture prescriptions or mechanical means.

1.1.3 Strategy: Remove conifers as determined appropriate, and manage land to promote the establishment of aspen cover and attendant grass, brush and forbs.

1.1.4 Strategy: Support the establishment of educational programs to accomplish sound watershed management techniques and to encourage public involvement.

1.1.5 Strategy: County staff and their subject matter experts will participate as cooperating agencies with Bureau of Land Management, US Forest Service, and State and private agencies and organizations to plan, implement and monitor watershed management.

1.1.6 Strategy: Oppose any federal and state designations of Recreation Areas or Wild and Scenic Rivers segments, which could result in water reductions that affect water quality.

1.1.7 Strategy: Cooperate with and support private and public land improvement projects such as USDA/EQIP, the Colorado River Basin Salinity Control Program and other cost share or grant irrigation or watershed improvement programs.

1.1.8 Strategy: To identify and control noxious weeds and invasive plant species, beginning at the head of each natural drainage area of the watershed.

1.1.9 Strategy: Continue to encourage, coordinate with, and participate in US Forest Service and Bureau of Land Management projects to implement an aggressive noxious and invasive species control operation on all of the lands they manage.

1.1.10 Strategy: To identify and control insect species on a targeted basis depending on their potential or actual harm to watersheds, in balance with a need to use control measures responsibly.

1.1.11 Strategy: To complete our local Community Wildfire Protection Plans (CWPP), including the County Wide CWPP Fire plan to ensure an acceptable level of fire protection, especially in water sheds.

1.1.12 Strategy: Ensure enforcement of the county road encroachment ordinance to mitigate financial impacts to our citizens from extraordinary industrial uses of our County roads system.

1.1.13 Strategy: Encourage the removal of drought and beetle killed timber and the appropriate reseedling as soon as practicable after the death of conifer populations to maintain the local timber harvest and production economy and to maintain healthy forests, while protecting our watersheds from catastrophic fires.

2. Goal: To acquire scientific studies that identify and monitor surface water quality and continued monitoring by the NRCS and Utah Department of Water Quality of stream flow quality and quantity.

2.1 Objective: Use of scientific means to identify the amounts and sources of streptococcus e coli form of bacteria in our rivers and streams.

2.1.1 Strategy: Have various streams, lakes, ponds, and reservoirs tested from time to time to determine the amounts of, and danger from existing bacteria.

2.1.2 Strategy: Support the random testing of various streams, lakes, ponds, and reservoirs from time to time to determine the amounts of, and danger from existing bacteria.

2.1.3 Strategy: Support physical monitoring of various waters found to have bacterial problems to determine whether this occurrence is from humans, livestock, wildlife or naturally occurring minerals or sources.

2.2 Objective: Support water quality monitoring and review of data from time to time to assure bacteria remains within acceptable levels.

2.2.1 Strategy: Ensure the Geographical Information Systems staff receives water quality information from state and other agencies as it becomes available to maintain a database of sources of bacteria.

2.2.2 Strategy: When identified, take appropriate steps to ensure that actions to correct conditions causing the unacceptable levels are addressed.

3. Goal: Review data, comment, and cooperate if possible with land agencies to manipulate vegetation along streams and rivers to achieve future desired conditions and uses.

3.1 Objective: Support the identification of vegetation types that are desirable or undesirable in particular settings and regions.

3.2.1 Strategy: Support any monitoring practices to determine whether desirable or undesirable vegetative populations are increasing or decreasing.

3.2.2 Strategy: Take a proactive position to ensure that appropriate agencies or entities not only treat but make a scientific determination as to the causes of increase or decrease.

3.2.3 Strategy: Support all measures that if implemented would lead to increases of desirable vegetation and or decreases of undesirable vegetation.

4. Goal: Reduce fuel loading conditions in forests and woodlands.

4. 1 Objective: Support land management agencies' determination of fuel loading in forests and woodlands on an annual basis.

4.1.1 Strategy: Direct the County Forester to contact the Utah Forestry Fire and State Lands, and the US Forest Service regularly to obtain their current inventory of fuel loads.

4.1.2 Strategy: Encourage timber harvesting to prevent fuel load and bio mass buildup.

4.1.3 Strategy: Proactively stress the importance of implementing and maintaining scientifically sound actions to reduce insect and disease infested coniferous species and fuel loads to protect healthy forests

5. Goal: Protect groundwater.

5.1 Objective: Concentrate efforts on groundwater in our watersheds.

5.1.1 Strategy: Enforce adopted regulations for minimum distances from springs for structures, land disturbances, and individual wastewater disposal systems.

6. Goal: Protect surface water.

6.1 Objective: Support projects to increase water quality and or quantity in the county and oppose projects that reduce the quality or quantity of fresh water supplies.

6.1.1 Strategy: Consider merits of proposed water projects throughout any planning process or action.

6.1.2 Strategy: Proactively monitor, continue to comment, and support any legal action needed to protect Carbon County from the devastating impacts of the proposed Gooseberry Narrows Project.

## **Forests and Woodlands**

Our forests are a renewable resource. Many historic photos show areas such as Winter Quarters Canyon where timber was harvested before 1916 that are now heavily forested with conifers. Succession is a natural occurrence in plant communities without fire events. Plant communities may be manipulated by man so that the mix of species is at the desired level. After a fire, grass comes in first along with aspen sprouts. As the aspen grows into its old age state, conifers will seed into the understory and grow up to shade out the aspen. At this stage the conifers can be removed by logging, thinning or fire, and the aspen will sprout back to start the cycle all over again. By reducing the amount of conifers in our watersheds and increasing grasses and aspen cover, we can increase our water quality and quantity. Utilizing our Timber Harvest Ordinance through enforcement by our County Forester, and cooperative planning with the Forest Service, Utah Forestry, Fire and State Lands, USU Extension, and private landowners, we can improve stand composition and age class to maintain this resource.

1. Goal: Maintain and create healthy forest areas and manage our forests in perpetuity, for a continuous yield of wood products and enhance production of wildlife, fisheries, and water while protecting the soil resource.

1.1 Objective: Maintain and enforce the county timber harvest ordinance while educating the public as to the benefits of a healthy watershed with a proper mix of tree/brush/grass species mix.

1.1.1 Strategy: Revise the Timber Harvest Ordinance as changing conditions and circumstances evolve.

1.1.2 Strategy: Contract for, or employ a county forester to enforce the ordinance and to educate private landowners about the advantages of maintaining a desirable mix of species on their lands and to encourage them to manage their forest lands to create healthy forest systems.

1.2. Objective: Cooperate with the staff of the Manti LaSal National Forest to maintain healthy forest systems.

1.2.1 Strategy: Monitor federal plans/actions regarding the Healthy Forest Initiative and fuel reduction projects to assure healthy watersheds.

1.2.2 Strategy: Support timber harvest and fuel reduction projects on Manti LaSal Forest

1.2.3 Strategy: Work with the Manti La Sal National Forest to assure their forest plans and fire plans meet county goals for quality of life, public safety, healthy watersheds and forest systems.

1.3 Objective: Support conifer reduction projects by cutting and harvesting, not by burning, unless not other viable alternate is identified.

1.3.1 Strategy: Monitor proposals to reduce conifers and increase Aspen in watersheds

1.3.2 Strategy: Research proposed projects and support or oppose them based on timing, methods, location, impacts to other projects in area.

1.4 Objective: Improve fire and life safety in the forest land / urban regions of the county.

1.4.1 Strategy: Cooperate with the state and other agencies to adopt forest fire protection plans.

**Communities and Towns with approved Fire Protection Plans:**

Clear Creek	Aspen Cove
Scofield Town	Tavaputs
Price City	Spring Glen
East Carbon City	Kenilworth
Scofield Mountain Homes	

Responsibility: County Forester, Public Lands Department, Planning Department

**Grass and Rangelands**

Our grass and rangelands are our second most valuable resource after water. Grass and forbs are our most plentiful renewable resource while our sagebrush lands are abundant to the extent of being excessive in many areas. Cheat grass, also known as June grass or Downy Brome (*Bromus tectorum* L.) is a winter annual grass which was introduced to this country in the 1890's from Eurasia. It invades semi arid rangelands and Pinion Juniper woodlands.

Cheat grass often opens the way for secondary invaders such as thistle. Many range studies have shown a gradual but substantial increase in the amount of cheat grass and sagebrush encroaching into valuable grasslands. Cheat grass is a winter annual which grows from a seed. It usually germinates in the late winter and early spring, and dies by July, by which time it has choked out the more desirable native grasses.

Sagebrush is prevalent in many areas of the county and has many attributes, some more favorable than others. The expected lifespan of any sage community is about 80 to 100 years,

and recent surveys have revealed that most of our sage is about that age. The recent drought has accelerated and exacerbated the demise of these sagebrush stands.

We observe that Utah State University Range Managers have found that many public lands adjacent to private lands are not grazed enough to ensure a healthy matrix of vegetation to sustain wildlife and livestock grazing. We need to improve the quantity and quality of our grass and forbs to allow the maximum amount of livestock and wildlife habitat.

It is not likely that the Federal Government will undertake massive range restoration projects in the foreseeable future. The County must look for opportunities to form partnerships with federal and state agencies, conservation districts, private landowners and federal grazing permit holders to accomplish the identification, planning, financing, execution and monitoring of local restoration projects. These projects should be in cooperation with the Utah Grazing Improvement Program, the Utah Watershed Restoration Initiative, The Utah Partners for Conservation and Development, and Federal Grazing Improvement program.

While there are some purists who believe that only plants native to this region should be propagated, it is the policy of the county that all desirable plants, proven not to be invasive or classified as a weed are acceptable in varying degrees for establishment on public and private lands in the county. Different plants serve different animals and land uses.

An ongoing program of cooperation with landowners and managers to determine the suitability of various plants for particular geographical areas should be pursued to maintain consensus on goals shall be a priority for the County.

## 1. Goal: Protect and enhance grass and range lands

1.1 Objective: Where appropriate, the removal of pinion and juniper woodlands on lower elevation ranges by the use of prescribed fire or mechanical riling, biomass shredding or other means.

1.1.1 Strategy: Work with land management agencies and private land owners to identify and map pinion juniper forests on private, state and public lands.

1.1.2 Strategy: Plan projects to remove pinion and juniper overgrowth to allow grass, forbs and other desirable vegetation to be established for livestock and wildlife.

## 2. Goal: Protect and enhance grass, brush and forbs

2.1.1 Objective: The rehabilitation of lands devalued by undesirable or invasive species such as pinion, juniper, cheat grass, over abundant sagebrush, rabbit brush and others, while remaining flexible on the use of native vs. foreign plant species.

2.1.2 Strategy: identify the preferred vegetation for the particular project, native or imported.

2.1.3 Strategy; Locate funding for projects to remove or eliminate invasive species to allow the seeding and establishment of wildflowers, sagebrush, brush, grass, forbs, legumes, and other desirable plants such as, but not limited to - Forage Kochia (*Kochia Prostrata*), Crested Wheatgrass (*Agropyron Crystatum*), Tall Wheatgrass (*Elytrigia Elongata*), Siberian Wheatgrass (*Agropyron fragile sibericum*), Western Wheatgrass ( *Agropyron Smithii*), Big Bluestem (*Andropogon Gerardi*), Indian Ricegrass (*Oryzopsis Hymenoides*), Birdsfoot Trefoil (*Lotus corniculatus*), Yellow Sweetclover (*Melilotus Officinalis*), Alfalfa (*Medicago Sativa*), Hairy vetch (*Vicia Lillosa*) and others.

2.1.4 Strategy: Determine the priorities of the various landowners, including absentee landowners, affected by the action, as to their preferred outcome and types of animals and fish to be served by the action.

2.1.5 Strategy; Consider the possibility of rotating plantings and species to maintain a vigorous stand of vegetation through the life cycles of various plants.

3. Goal: Protect water rights.

3.1 Objective: The permanent adjudication of water rights on Federal Land.

3.1.1 Strategy: Support legislation to assign water rights to federal grazing permit holders, as per Utah Law.

3.1.2 Strategy: Coordinate county plans with local and state grazing advisory boards.

Responsibility: County Forester, Public Lands Department, Planning Department

### **Travel, Tourism, and Recreation**

The n Natural resources in our county are an ever growing attraction to Utah residents and tourists. With the establishment of the cross county multiple use trail and ongoing hunting, fishing, trapping, hiking and other outdoor activities, the affect of the traveling public on resources must be considered. These activities are expected to slowly increase within Carbon and surrounding counties, but may never reach the levels experienced by some southern and eastern Utah counties. We are an energy and industrial county and by encouraging quality tourism and recreation venues and use within the county, can maintain a quality recreation experience while preserving our renewable resources. Carbon County has placed an emphasis on travel and tourism to our scenic and historic regions for many years. A review of revenues from this industry has shown that tourism is a valuable part of our local economy. Castle Country's 8 top states of origin for tourism brought 8,339 visitors in 2008.

Visitors to Castle Country by State in 2008

<u>State</u>	<u>Number of visitors</u>
California	2,554
Arizona	1,235
Colorado	941
Texas	726
Illinois	626
New York	521
Utah	506
Pennsylvania	464

In 2007, visitors at the CEU Prehistoric Museum totaled 40,505 with 35% from Carbon and Emery Counties, 30% from other Utah counties, 30% from other states, and 5% were from foreign countries. The Travel Bureau counted 33,989 visitors to the county in 2008.

County Transient Room Tax revenues have risen from \$94,813.00 in 1997 to \$165,517.00. An important factor since the early 1990's has been the explosive development of first the coal bed methane natural gas industry, and now deep natural gas in the county. The energy extraction industry has had a significant affect on demand for room rentals in the County.

### **Promotion of Tourism**

1. Goal: To identify and encourage the maximum number of potential visitors to Carbon County that we can accommodate in a positive and quality travel experience.

1.1 Objective: Advertise local attractions and events.

1.1.1 Strategy: Finance and maintain a visitors Kiosk at the Tie Fork rest stop on US Highway 6, The Salina Canyon rest stop on I-70, The Crescent Junction rest stop on I-70 and other UDOT maintained rest stops

1.1.2 Strategy: Support the tourism promotion plans for the Cross County Trail, the Expo Center and Fairgrounds, North Spring Recreation and Shooting Sports Facility, Scofield Reservoir, and Nine Mile Canyon.

### **Public Recreation Sites**

#### **Campgrounds**

Scofield State Parks, Madsen Bay &  
Mountain View units



US Forest Service Campground at Fish Creek  
North Spring Recreation Area

### **Parks and Day Use Areas**

BLM Price Canyon Recreation Area  
Cottonwood Glen  
Nine Mile Canyon  
Fairgrounds  
Heritage Park  
South Park  
Viking Park  
Scofield Town Park  
Spring Glen Park  
Sunnyside Park  
Triangle Park  
Helper Lions Park  
Helper River Parkway and Trail  
Helper Main Street Park

Washington Park  
Pioneer Park  
Terrace Hills & Skate Park  
Basso Dino Mine Playground Park  
Cove basin park  
Rose Park  
Scofield State Park  
  
Columbia Park  
Tribute Park  
Wellington City park  
Helper Seniors Park  
Locust Street Park

### **Scenic Drives**

Energy Loop through Scofield and Eccles Canyon  
Utah 96 and 264  
Cold Springs Draw to Nine Mile Canyon, Dry Canyon  
Coal City to Pinnacle Peak  
Nine Mile Canyon

### **Fishing**

Scofield Reservoir  
Upper Fish Creek  
Lower Fish Creek  
Price River Canyon

Price River at Farnham  
Gigliotti Pond  
Fairgrounds Pond

### **Rafting**

Green River

## **Private Recreation Sites**

### **Guest Ranches and Campgrounds**

Tavaputs Ranch  
Nine Mile Canyon Bunk and Breakfast  
National 9 Inn, Wellington

Legacy Inn Campground, Price  
Blue Cut RV Park, Carbonville  
Lazy Anchor Campground, Scofield

### **Guides and Outfitters**

Red Tail Aviation  
County Recreation

**Golf Courses**  
Carbon Country Club

**Heritage Tourism Areas - Historic Coal Camps**

Helper Mining and Railroad Museum	Kenilworth
Scofield Cemetery	Price City Historic District
Clear Creek	Price City Hall Mural
Hiawatha	
Columbia	

**Transportation and Trails**

The Carbon County Master Plan was adopted in 1997. Many of the goals of that plan have either been accomplished or the County's needs have changed, making this revision necessary. The Utah Department of Transportation has designed and constructed the Helper Highway 6 interchange project. The UDOT improvement and widening of Highway 6 between Wellington and Price is complete. The County Road Department has a priority plan in place for the improvement of existing county roads. Carbon County has completed a study of the west side transportation needs and approved the plan for that area in 2000. The Carbonville road widening and safety project will be completed soon.

The Nine Mile Canyon Road has been constantly improved and is under study by an advisory group, including the realignment of the Cottonwood Road to enhance the protection of the Cottonwood or "Great Hunt" panel and other rock art near Nine Mile Canyon. Other projects are either planned or proposed, making revision of this plan necessary.

Our citizens are proud of their heritage, which includes a heritage of freedom to go where they have always gone, or to move grazing animals from pasture to pasture or to market, and to hunt, fish and recreate. We are determined to preserve our culture and heritage of freedom of movement. Common sense should prevail, and in the absence of guidance to users, the physical condition of a road, trail or right of way will depict its proper use. For example, a large semi truck is restricted to different widths and qualities of a road which can easily be traversed by a pickup truck, jeep or off road vehicle.

**Modes of Transportation**

The Master Transportation System Plan 2004 Revised and amended the Carbon County Master Plan – 1997, and was adopted September 15, 2004. Roads and trails are not our only means of transportation; the railroads established Price City as the hub of Eastern Utah in 1882 and were the driving force behind the development of the coal mining industry in Carbon County. The Helper to Kenilworth Railway has been partially converted for use as a section of the Cross

County Trail. The Carbon County Railway from East Carbon City to Horse Canyon in Emery County is being converted to a recreational trail. There are other abandoned rail beds in the County.

### **Railroads**

Union Pacific Railroad  
Utah Railway  
Eccles Canyon to Clear Creek

### **Aviation Transportation**

Aviation is a growing part of the county infrastructure to bring energy executives and sales staff to the area. A proposed residential development may be located near the County Regional Airport to take advantage of the proximity. The Airport property has adequate area for commercial development.

### **Locations**

County Regional Airport  
Interplanetary Airstrip and Dry Farm on Tavaputs Plateau  
Personal aircraft, hang gliders

### **Boats, Canoes, Ferries**

Native Americans used watercraft to navigate rivers and streams in eastern Utah. John Wesley Powell first floated the Green River in the 1800's. This was the first known historic right of way established in our County, although Father Dominguez Escalante may have traversed portions of the County in 1776.

### **Types of Right of Ways**

Rights of way on Federal Lands:

Existing rights of way on federal lands which were established prior to the Federal Land Management Policy Act of 1976 are recognized by Carbon County as per Revised Statute 2477 enacted in 1866.

Carbon County also will continue to acknowledge Utah law regarding these existing rights of way across federal lands and sovereign state waterways.

Roads on State Lands: Legal precedent and current Utah law govern these rights of way. If the right of way existed prior to statehood, or prior to a survey of the section traversed with at least 2 government corners set, it may be an RS 2477 right of way. The State Institutional Trust land

Administration is currently cooperating with the County in the establishment of rights of way and trails.

Roads on Private Lands:

Right of way on private land, unless established as an RS 2477 right of way prior to patent or sale, must be acquired by the County.

### Multiple Use Rights of Way

The physical width, condition, pavement and other factors will be considered in determining the proper modes of travel on these routes. A general guide follows:

Trail Name as noted	Walk	2WD	4WD	OHV	M'cycle	S'mobile	Bicycle	Horse	Other
West Loop County Trail	X		X	X	X		X	X	
Central Trail Connection	X		X	X	X		X	X	
East Loop Route	X		X	X	X		X	X	
Fairgrounds to Forest	X		X	X	X	X*	X	X	*During winter closure
Forest to Helper & Price Route	X		X	X	X	X*	X	X	*During winter closure
Trestle Bridge	X		X	X	X		X	X	
Second Water to Sawmill	X						X	X	
Consumers to Scofield Area	X						X	X	
Scofield to Pondtown	X		X	X	X	X	X	X	*During winter closure
Pondtown to Skyline	X		X	X	X	X	X	X	
Spring Canyon	X						X		
Green River RS 2477									Raft, canoe, watercraft
Fairgrounds									To be determined upon construction

## **Promotion of Trails**

1. Goal: Establish and increase the use of existing trails, especially the Cross County Trail

1.1 Objective: Educate the public on trail locations and proper etiquette on the trails

1.1.1 Strategy: Locate maps of trails at all Cross County and other trail heads, and information about the proper use of these trails

## **Specific Federal and State Lands Issues**

In response to resource management and other land use plans and regulations developed and implemented by federal and state land management agencies, Carbon County will follow US Supreme Court decisions pertaining to the definitions of words used in regulations, policy and laws. Any policy of state or federal agencies that does not meet the usual, common and customary definition of a word or words or the original intent of Congress, or the Legislature will not be considered as valid and will be considered an attempt to usurp the intent of congress or the legislature and to assert authority not given. Future court decisions and legislation will be considered at the appropriate time to evaluate a proper response and compliance with such decision or regulation.

*If the words in the enacting clause, in their nature, import, and common understanding, are not ambiguous, but plain and clear, and their operation and effect certain, there is no room for construction," Ware v Hylton, 3 US 199, 1796.*

Because of past attempts by federal agencies to change or modify common meanings of word, Carbon County has developed the following definitions and policies. The definitions are based on the common meaning of the word or term at the time of the ratification of the United States Constitution, or at the time of the development of the particular law, regulation, or policy which is addressed or is being attempted to be implemented by the state of federal government land use agency.

## **Wilderness**

It is the intent of our plan to comply with the will of Congress in passage of the 1964 Wilderness Act. In 1976, Congress directed federal agencies to conduct a major one-time comprehensive wilderness inventory to determine which lands qualified as wilderness. We have reviewed the documents from October 1991 with the Bureau of Land Management's recommendations.

The lands we have proposed for wilderness designation are believed to be un-developed Federal lands which are untrammelled by man and retaining their primeval character and influence. The imprint of man's work is substantially unnoticeable. The small holding of private land which is captured within the area is buffered by a distance of one half mile. We recognize that Wilderness

Designation is essentially a recreation designation and not for natural resource protection. To qualify for wilderness a parcel of land must be at least 5,000 acres and possess opportunities for solitude or a primitive and un-confined recreation. This plan contains approximately 12,552 acres. The 1978 Bureau of Land Management Recreation Inventory Handbook gives adequate guidelines to define true wilderness or primitive lands, referred to as Class I by the Bureau of Land Management.

We have set aside a buffer of 3 miles from any public road right of way as specified in Table 1 of the Bureau's Handbook. Topographic and vegetative differences which adequately screen out the sights and sounds of humans are not sufficient in the Desolation Canyon area to justify a shorter distance. We are not willing to allow any future visitors to wilderness to claim a degradation of their experience by claiming that our roads and human activity interfere with their wilderness experience. Therefore we hold to the 3 mile buffer.

Our experience with noise transmitted from a gas well or a compressor station also persuades us against a lesser distance. The Utah School Institutional Trust Lands in this area must be exchanged as part of any wilderness designation to protect our State and school interests.

We recognize that visitors to any designated wilderness will be forced to be self reliant, but we expect many millions of dollars may be expended in the future on search and rescue operations looking for lost hikers and hunters in the wilderness and therefore plan to keep all of the existing roads in the area to facilitate public safety and emergency rescue and evacuation of injured persons. Closing roads is not an option.

In addition to the above concerns, we plan to reserve a future transportation and energy corridor which will be oriented east and west across the Green River if necessary. We cannot isolate our County by closing off the entire eastern boundary. We currently do not recognize any Federal reserved water rights in Carbon County and believe that any stock water rights associated with grazing allotments are beneficially used by the permit holders, therefore the water rights belong to the grazer or other user per Utah water law. We are very concerned that municipal, industrial and agricultural water in these areas be available for our future needs. The mineral potential of the Eastern part of Carbon County is well known and must be set aside for the future. These natural resources were not intended by Congress to be locked up by illegal wilderness inventories or Resource management plans that create "Pseudo wilderness". This area contains oil, gas and other mineral reserves which are essential to our future employment and economic viability. We understand that wilderness under the 1964 Act is for recreational purposes. We wish to preserve our mining, farming, ranching, hunting and other customs and culture. We are confident that our proposal meets the intent of Congress, provides for social and economic justice and preserves the future for Carbon County citizens.

## Subject Lands

This plan applies to those certain areas of land in Eastern Carbon County which the United States Bureau of Land Management (“BLM”) in its so-called 1999 Wilderness Inventory Report purported to label as follows:

Desolation Canyon Unit 1, located in:  
Sections 1, 2, 3, 11 & 12 of T12S R15E,  
Sections 1-15, 22-27, 35-36 of T12S R16E  
Sections 1-22, 28-33 of T12S R17E  
Sections 3-11, 17-20 and 30 of T12S R 18E  
Sections 6-7 of T13S R17E

Desolation Canyon Unit 2, located in:  
Sections 30-32 of T13S R16E  
Sections 4-5 and 7-8 of T14 S R16E

Desolation Canyon Unit 3, located in:  
Sections 16, 19-21 of T14S R16E  
Section 24 of T14S R15E

Desolation Canyon Unit 4, located in:  
Sections 33-36 of T14S R15E

Sections 2-3, 11 of T15S R15E

Part of Desolation Canyon Unit 5, located  
in: Section 36 of T15S R15E

Jack Canyon Unit 1, located in:  
Sections 33-36 of T12S R16E  
Sections 1-5, 8-12 T13S R16E  
Sections 6-7 of T13 S R17E

Jack Canyon Unit 2, located in:  
Section 32 of T13S R16E

Part of Turtle Canyon Unit 3, located in:  
Sections 34-36 of T15S R14E  
Sections 31-33 of T15S R15

This plan also applies to all other areas of land located in any other section of the above-referenced townships and ranges of East Carbon County, including but not limited to Sections 1-4, 9-16 of T15S R16E, which an organization by the name of the Utah Wilderness Coalition (“UWC”) has purported to include in its so-called “Citizen’s Proposal for Wilderness in Utah” for their so-called Book Cliffs Region, according to the map thereof set forth in the UWC internet web site, address <http://www.protectwildutah.org/proposal/index> as it exists on April 17, 2007. For purposes of this plan, all of the above-described lands are collectively referred to herein as the Non-WSA East Carbon County Region, and are illustrated more fully in the map attached hereto. There are three FLPMA Section 603 Wilderness Study Areas in this general area that are within the borders of Carbon County: Jack Canyon WSA, Desolation Canyon WSA, and part of Turtle Canyon WSA. The fact that this plan addresses only areas outside those WSA’s does not imply that Carbon County necessarily concedes that those WSA’s are suitable for Wilderness Designation in their entirety, or de facto wilderness management restrictions. Any reference hereafter to the term “Non-WSA East Carbon County Region” shall refer to any and all of the above-described land areas.

The development of the solid, fluid and gaseous mineral resources in the Non-WSA East Carbon County Region is an important part of the economy of Carbon County. Carbon County recognizes that it is technically feasible to access mineral and energy resources, while preserving

other resources. Extraction of all available solid, fluid and gaseous mineral resources in the Non WSA East Carbon County Region shall be seriously considered. Lands shown to have high and moderate mineral potential in the Non WSA East Carbon County Region should be open to oil and gas leasing with stipulations and conditions that will protect the lands against un-reasonable and irreparable degradation to other significant resource values. This should include but not be limited to waivers, exceptions or modifications to stipulations, reasonable and effective mitigation and reclamation measures, and appropriate financial guarantees where necessary.

The waste of fluid and gaseous minerals within developed areas should be prohibited. Restrictions against Surface occupancy should be modified, waived or if necessary removed where it is shown that directional drilling is not necessary, where directional drilling is not feasible from an economic or engineering standpoint, or where it is shown that directional drilling will in effect sterilize the mineral and energy resources beneath the area. Applications for permits to drill that meet standard qualifications, including reasonable and Effective mitigation and reclamation requirements, should be expeditiously processed and granted. Any moratorium that may exist against the issuance of additional mining patents and oil and gas leases in the Non-WSA East Carbon County Region should be carefully evaluated for removal.

1. Goal: Achieve and maintain a continuing yield of mineral resources in the East Carbon County Region at the highest reasonable sustainable levels.

1.1 Objective: Review current stipulations and obstacles to mineral development.

1.1.1 Strategy: Work with BLM to ensure that previous lease stipulations in the Non-WSA East Carbon County Region that are no longer necessary or effective, or where flexibility exists, should allow waivers, exceptions or modifications or they should be removed.

2. Goal: Achieve and Maintain Livestock Grazing In The Non-WSA East Carbon County Region at the highest reasonably sustainable levels. Domestic livestock forage in the Non-WSA East Carbon County Region, expressed in animal unit Months (AUM's), for permitted active use as well as the wildlife forage included in that amount, should be no less than the maximum number of animal unit months sustainable by range conditions in grazing districts and allotments in the Non-WSA East Carbon County Region, based on an on-the-ground and scientific analysis. Where once-available grazing forage in the Non-WSA East Carbon County Region has succeeded to pinion, juniper and other woody vegetation and associated biomass, or where rangeland health in the Non WSA East Carbon County Region has suffered for any other reason, a vigorous program of mechanical treatments such as chaining, logging, seeding, lopping, thinning, burning and other mechanical treatments should be applied to remove this woody vegetation and biomass and stimulate the return of the grazing forage to its historic levels for the mutual benefit of livestock, wildlife and other agricultural industries in the Non-WSA East Carbon County Region.



Carbon County regards the land which comprises the grazing districts and allotments in the Non WSA East Carbon County Region as chiefly valuable for grazing than for any other use which excludes livestock grazing, such as conversion of AUM's to wildlife or wilderness values. accordingly, it is Carbon County's plan that we lose no AUM's for livestock use in the grazing district and that animal unit months in the Non-WSA East Carbon County Region not be relinquished or retired in favor of conservation, wildlife, and other uses.

Relinquishment of grazing preference, in whole or in part, by a permit holder shall be in writing to the BLM and considered on a case-by-case basis. The BLM will not recognize as valid, relinquishments those that are conditional on specific BLM actions such as converting the forage for livestock to wildlife use, and the BLM will not be bound by them. Relinquished permits and the associated preference will remain available for application by qualified applicants, compatible with the purpose of the Taylor Grazing Act. Prior to re-issuance of the relinquished permit, the terms and conditions may be modified to meet Land Use Plan and watershed goals and objectives. Any decision issued concerning discontinuance of livestock grazing will be reviewed by Carbon County and involve the regional and State Grazing Advisory Boards but in all cases, relinquishment is not permanent and may be reconsidered and changed through future Land Use Plan amendments and updates.

Carbon County recognizes that from time to time a bona fide livestock permittee in the Non WSA East Carbon County Region, acting in good faith and not to circumvent the intent of the BLM's grazing regulations, may temporarily cease grazing operations without losing his or her permitted AUM's. However, BLM imposed suspensions of use or other reductions in domestic livestock animal unit months in the Non-WSA East Carbon County Region should be temporary and scientifically based on rangeland conditions. The transfer of grazing animal unit months ("AUMs") to wildlife for supposed reasons of rangeland health is opposed by Carbon County as illogical and inconsistent with Utah law. There is already imputed in each AUM a reasonable amount of forage for the wildlife component.

Any grazing animal unit months that may have been reduced in the Non-WSA East Carbon County Region due to rangeland health concerns should be restored to livestock when rangeland conditions are improved, and not converted to wildlife use.

3. Goal: Manage the watershed in The Non-WSA East Carbon County Region to achieve and maintain water resources at the highest reasonably sustainable levels

All water resources that derive in the Non-WSA East Carbon County Region are the property of the State of Utah. They are owned exclusively by the State in trust for its citizens. As a political subdivision of the State, Carbon County has a legitimate interest in seeing that all reasonable steps are taken to preserve, maintain and where reasonable develop those water resources. With increased demands on water resources brought on by population increases in the Colorado River drainage area, and with recent drier precipitation trends which call into question in the minds of some whether the climate of the Colorado River drainage area is changing, it is important more now than ever that management practices be employed in the Non-WSA East

Carbon County Region to restore, maintain and maximize water resources there. This includes restoration, maintenance and enhancement of the watershed in the Non-WSA East Carbon County Region. Where water resources in the Non-WSA East Carbon County Region have diminished because once existing grasses have succeeded to pinion, juniper and other woody vegetation and associated biomass, a vigorous program of mechanical treatments should be applied to promptly remove this woody vegetation and biomass, stimulate the return of the grasses to historic levels, and thereby provide a watershed that maximizes water yield and water quality for livestock, wildlife, and human uses. Carbon

County's strategy and plan for protecting the Non-WSA East Carbon County Region watershed is to deter unauthorized cross-country OHV use in the Region. The best way to achieve this is to give OHV users a reasonable system of trails in the Non-WSA East Carbon County Region on which to legitimately operate their OHVs. Closing the Non-WSA East Carbon County Region to all OHV use will only spur increased unauthorized cross-country OHV use to the detriment of the Non-WSA East Carbon County Region watershed. Accordingly, all trails in the Non-WSA East Carbon County Region which historically have been open to OHV use should remain open.

4. Goal: Achieve and maintain traditional access to outdoor recreational opportunities available in the region.

Traditionally, citizens of Carbon County and visitors have enjoyed many forms of outdoor recreation in the Non-WSA East Carbon County Region, such as hunting, fishing, hiking, family and group parties, family and group campouts and campfires, rock hounding, OHV travel, geological exploring, pioneering, parking their RV, or just plain touring in their personal vehicles. Public land outdoor recreational access in the Non-WSA East Carbon County Region should not discriminate in favor of one particular mode of recreation to the exclusion of others. Traditionally, outdoor recreational opportunities in the Non-WSA East Carbon County Region have been open and accessible to working class families, to families with small children, to the sick and persons with disabilities, to the middle aged and elderly, to persons of different cultures for whom a "primitive solitary hike" may not be the preferred form of recreating, and to the economically disadvantaged and underprivileged who lack the money and ability to take the time off work necessary to get outfitted for a multi-day "primitive hike" to reach those destinations. All of society should not be forced to participate in a "solitude experience" or a "primitive experience" as the one and only mode of outdoor recreation in the Non-WSA East Carbon County Region. Any segment of society, for that matter, who want to recreate in the Non-WSA East Carbon County Region are entitled to motorized access to that recreation if they desire it, and are entitled to all forms of outdoor recreation. They should not have to hike into the outdoor recreational destinations in the Non-WSA East Carbon County Region if they do not want to or are unable or cannot afford such an activity. Hence Carbon County's plan calls for continued public motorized access to all traditional outdoor recreational destinations in all areas of the Non-WSA East Carbon County Region for all such segments of the public. Carbon County specifically opposes restricting outdoor recreation in the Non WSA East Carbon County Region to just one form - available for those who have enough time, money and ability to hike into the

destinations of the Non-WSA East Carbon County Region for a so called “solitude wilderness experience.

Accordingly, all roads in the Non-WSA East Carbon County Region that are part of Carbon County’s duly adopted transportation plan should remain open to motorized travel. None of them should be closed, and Carbon County should have the continued ability to maintain and repair those roads, and where reasonably necessary make improvements thereon. All trails in the Non-WSA East Carbon County Region that have been open to OHV use should continue to remain open. Traditional levels of wildlife hunting and fishing should continue. Traditional levels of group camping, group day use and all other traditional forms of outdoor recreation - motorized and non-motorized - should continue.

5. Maintain and keep open all roads in the Non-WSA East Carbon County Region that appear on Carbon County’s most recent Transportation Map, and provide for such additional roads and trails as may be necessary from time to time. Carbon County’s transportation plan includes an official county-wide transportation map, available to the public for viewing and copying, showing all public roads and trails maintained by the County. That portion of Carbon County’s official transportation map which shows all public roads and trails in the Non-WSA East Carbon County Region is considered to be part of Carbon County’s plan specifically applicable to the Non-WSA East Carbon County Region. All such public roads and trails are shown in the attached map.

Carbon County plans to keep all such roads in the Non-WSA East Carbon County Region open and reasonably maintained and in good repair. Carbon County will consult with the BLM about any required improvements to such roads, reserving the right to request court intervention and relief in the event Carbon County and BLM cannot reach an agreement on such proposed road improvements after reasonable efforts at consultation.

In addition, additional roads and trails may be needed in the Non-WSA East Carbon County Region from time to time to facilitate reasonable access to a broad range of resources and opportunities throughout the Non-WSA East Carbon County Region, including livestock operations and improvements, solid, fluid and gaseous mineral operations, recreational opportunities and operations, search and rescue needs, other public safety needs, access to public lands for people with disabilities and the elderly, and access to Utah school and institutional trust lands in the Non-WSA East Carbon County Region to accomplish the purposes of those lands.

6. Manage the Non-WSA East Carbon County Region so as to protect prehistoric rock art, three dimensional structures and other artifacts and sites recognized as culturally important and significant by the State Historic Preservation Officer

Reasonable mineral development in the Non-WSA East Carbon County Region can occur while at the same time protecting prehistoric rock art, three dimensional structures and other artifacts

and sites recognized as culturally important and significant by the state historic preservation officer.

Reasonable and effective stipulations and conditions to protect against damage to the above-described cultural resources should accompany decisions to issue mineral leases, permit drilling or permit seismic activities in the Non-WSA East Carbon County Region. Such drilling and seismic activities should not be disallowed merely because they are in the immediate vicinity of the above-described cultural resources if it is shown that such activities will not damage those resources.

7. Manage the Non-WSA East Carbon County Region so as to not interfere with the property rights of private landowners located in that region.

There are parcels of private fee land located in the Non-WSA East Carbon County Region, including several in the Nine Mile Canyon area. Land management policies and standards on BLM land in the Non-WSA East Carbon County Region should not interfere with the property rights of private landowners in the region to enjoy and engage in traditional uses and activities on their private property, consistent with controlling County zoning and land use laws. Nor should those landowners and their guests be denied the right of motorized access to their private property consistent with past uses of those private land parcels.

8. Manage the Non-WSA East Carbon County Region so as to not interfere with the fiduciary responsibility of the State School and Institutional Trust Lands Administration (“SITLA”) with respect to Trust Lands located in that region.

Scattered throughout the Non-WSA East Carbon County Region are sections of school and institutional trust land owned by the State of Utah and administered by SITLA in trust for the benefit of public schools and other institutions (“school trust lands”), as mandated in Utah’s Enabling Act and State Constitution.

As trustee, SITLA has a fiduciary responsibility to manage those school trust lands to generate maximum revenue there from, by making them available for sale and private development, and for other multiple use consumptive activities such as mineral development, grazing, recreation, timber, agriculture and the like, all for the financial benefit of Utah’s public schools and other institutional beneficiaries.

Land management policies and standards on BLM land in the Non-WSA East Carbon County Region to put those state sections to use in order to carry out SITLA’s fiduciary responsibilities.

9. Managing part or all of the Non-WSA East Carbon County Region for so-called Wilderness Characteristics would violate FLPMA, contradict the State’s public land policy and contradict the foregoing plans of Carbon County for managing the Non-WSA East Carbon County Region.

As Utah Code § 63-38d-401(6)(b) indicates, managing the Non-WSA East Carbon County Region under a “wilderness characteristics” management standard is not the State of Utah’s policy for multiple uses sustained yield management on public lands that are not wilderness or wilderness study areas. Nor is it Carbon County’s. A so-called “Wilderness Characteristics” management standard for the Non-WSA East Carbon County Region is de facto wilderness management by another name. It is incompatible with and would therefore frustrate and defeat the foregoing plans of Carbon County for managing the Non-WSA East Carbon County Region. Carbon County has formally taken a position that only 12,552 acres of BLM land in Carbon County should be designated as wilderness. Those acres are situated within current WSAs, not within the Non-WSA East Carbon County Region. See the written Carbon County, Utah Wilderness Proposal and supporting map, adopted April 1, 2003 and referenced in footnote 1 above.

A so-called “wilderness characteristics” management standard for the Non-WSA East Carbon County Region also violates FLPMA and the 2003 Settlement Agreement between Utah and Department of Interior. Managing Post-603 Lands<sup>2</sup> pursuant to the Interim Management Policy of 1979 (“IMP”) is Inconsistent with BLM authority. Agreement p. 6 & 13.a. Managing Post-603 Lands to preserve their alleged wilderness character strays from the multiple use mandate in a manner inconsistent with FLPMA § Section 603 limited delegation of authority. Agreement p. 9 & 17.

The 1999 Utah Wilderness Re inventory shall not be used to manage public lands “as if” they are or may become WSAs. Agreement p. 13 & 4. DOI/BLM will not establish, manage “*or otherwise treat*” Post 603 Lands as WSAs or as wilderness pursuant to the Section 202 process absent congressional authorization. Agreement p. 14 & 7.

DOI/BLM will remove from the proposed revised resource management plans in the Vernal, Price, Richfield, Monticello and Moab Districts any and all references or plans to classify or manage Post-603 BLM lands “*as if*” they are or may become WSAs. Agreement p. 14 & 7.

10. Imposing Any of The Area of Critical Environmental Concern (“ACEC”) Designation Alternatives currently under Consideration in the Price Resource Management Plan Revision Process, would contradict Carbon County’s Plan For managing The Non-WSA East Carbon County Region

It is Carbon County’s policy that no part of the Non-WSA East Carbon County Region should be designated an (“ACEC”) unless it is clearly demonstrated that:

A. The proposed ACEC satisfies all the definitional requirements of the Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1702(a).

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<sup>2</sup> As that term is defined in the *Utah v. Norton* settlement agreement of April 11, 2003.

B. The proposed ACEC is limited in geographic size and that the proposed management prescriptions are limited in scope to the minimum necessary to specifically protect and prevent *irreparable* damage to values that are objectively shown to be relevant and important or to protect human life or safety from natural hazards.

C. The proposed ACEC is limited only to areas that are already developed or used or to areas where no development is required.

D. The proposed ACEC designation and protection is necessary to protect not just a change in ground conditions or visual resources that can be reclaimed or reversed eventually (like reclaiming a natural gas well site after pumping operations are complete). Rather, the damage must be shown in all respects to be truly *irreparable* and justified on short term and long term horizons.

E. The proposed ACEC designation and protection will not be applied redundantly over existing Protections available under FLPMA multiple use sustained yield management.

F. The proposed ACEC designation is not a substitute for a wilderness suitability determination, nor is it offered as a means to manage a non WSA for so-called wilderness characteristics.

The foregoing summarizes the ACEC criteria of the State of Utah as well as Carbon County. See Utah Code § 63-38d-401(8) C. And the foregoing summarizes the criteria of FLPMA.

As of April 17, 2007, none of the ACEC alternatives being considered in the Price Resource Management Plan (“RMP”) revision process meets the Carbon County’s above-stated ACEC planning criteria. This includes the so-called Nine Mile ACEC, the Desolation Canyon ACEC, and so much of the Range Creek ACEC that may be situated in Carbon County. Rather, those proposed ACEC alternatives constitute de facto wilderness management in the Non-WSA East Carbon County Region by another name. Adopting any of those ACEC’s under any of the proposed alternatives other than the no action alternative, would be incompatible with and would therefore frustrate and defeat the foregoing plans of Carbon County for managing the Non-WSA East Carbon County Region.

Carbon County has set forth what it refers to as the Nine Mile Canyon Overlay Zone in order to protect important values in Nine Mile Canyon. See Section 4.24 of Carbon County’s Development Code. 2005. This plan clarification reaffirms that the Nine Mile Canyon Overlay Zone is the preferred plan of protecting important values in Nine Mile Canyon.

11. Including Any River Segment in the Non-WSA East Carbon County Region in the National Wild and Scenic River System would violate the National Wild and Scenic Rivers Act and related regulations, contradict the State’s Public Land Policy, and contradict the foregoing plans of Carbon County for managing The Non-WSA East Carbon County Region.

**It is Carbon County's policy that we will not support Congressional designation of any river into the National Wild and Scenic River System unless:**

- A. Water is present and flowing at all times.
- B. The outstandingly remarkable value within a river segment is identified as the traditional land uses along the segment such as travel, grazing, hunting, fishing and other uses by man.
- C. BLM fully disclaims in writing any interest in water rights with respect to the subject segment.
- D. Any designation includes the protection of valid existing grazing and water rights.
- E. It is clearly demonstrated that including segment in the NWSR system will not prevent, reduce, impair, or otherwise interfere with the state and its citizen's enjoyment of complete and exclusive water rights in and to rivers of the state as determined by the laws of the state, nor interfere with or impair local, state, regional, or interstate water compacts to which the State or Carbon County is a party.
- F. The rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed.
- G. It is clearly demonstrated that BLM does not intend to use such a designation to improperly impose Class I or II Visual Resource Management prescriptions.
- H. It is clearly demonstrated that the proposed addition will not adversely impact the local economy, agricultural and industrial operations, outdoor recreation, water rights, water quality, water resource planning, and access to and across private land, or infringe on neighboring private property rights along river corridors in both upstream and downstream directions from the proposed river segment.

The foregoing also summarizes the wild and scenic river criteria of the State of Utah, Utah Code § 63-38d-401(8) (a), as well as the criteria of Carbon County.

There is no part of Nine Mile Creek, Green River, Rock Creek, Bear Canyon, Range Creek, Price River, or any other segment in the Non-WSA East Carbon County Region that meets the above criteria. Hence, no river segment in the Non-WSA East Carbon County Region should be included in the National Wild and Scenic River system.

As of April 17, 2007, the terms prescribed in any of the alternatives being considered in the proposed revised Price RMP for managing proposed wild and scenic river segments in Nine mile Creek, Green River, Rock Creek, Bear Canyon, Range Creek, Price River, or any other segment in the Non-WSA East Carbon County Region, constitute de facto wilderness management by another name. They are incompatible with and would therefore frustrate and defeat the

foregoing plans of Carbon County for managing Nine Mile Creek, Green River, Rock Creek, Bear Canyon, Range Creek, Price River, or any other segment in the Non-WSA East Carbon County Region.

12. A Visual Resource Management Class I or II Rating for any part of the Non-WSA East Carbon County Region would contradict the State's Public Land Policy and contradict Carbon County's Plan for managing the Non-WSA East Carbon County Region

The objective of BLM Class I Visual Resource Management is not compatible with, and would therefore frustrate and interfere with Carbon County's foregoing plan clarification for the Non-WSA East Carbon County Region.

The objective of BLM Class II Visual Resource Management is generally not compatible with, and would therefore frustrate and interfere with Carbon County's foregoing plan clarification for the Non-WSA East Carbon County Region. There are certain limited exceptions where a Class II objective would be compatible with Carbon County's foregoing plan clarification.

Carbon County's foregoing plan clarification for the Non-WSA East Carbon County Region is generally consistent with either Class III or Class IV, depending on the precise area.

13. The Nomination and or Designation of Public and Private Lands in the Non-WSA East Carbon County Region may have permanent and unintended consequences on the subject lands and surrounding lands, and should be reviewed by the Carbon County Commission.

Lands within Carbon County considered for any special designation, including nomination into the Nine Mile Archeological District and the impacts of the National Historic Preservation Act is an issue of concern for Carbon County.

Carbon County's plans for balanced multiple use also incorporates the need to render special attention and care to any impacts that proposed designations could have on private property use, the financial impacts to our citizens and the loss of historic and traditional uses and lifestyles by layering of areas of special designation.

Not only are the effects of the nominated layer boundary of concern but the fact that guidelines allow buffer zones around the sites, which could negatively impact nearby oil and gas development..

14. The acquisition of private lands by a public entity is contrary to policies and plans of Carbon County and The Master Plan.

Carbon County wishes to be fully involved as an affected entity in any process to consider the disposal of public lands or the acquisition of private lands to become public within the county's jurisdiction.



The County recognizes that some tracts of public and private land are isolated, and since the County is the subject matter expert regarding the impacts to our economy, culture and customs from the transfer of ownership of these lands that are or may be identified for sale of purchase, County participation and local public input is essential.

### **Monitoring**

In order to evaluate and sustain this plan, regular monitoring of existing conditions and amendments to this plan may be made.

### **Plan Amendments**

This plan may be amended by following the procedures set forth in the Utah Code.

### **Plan review and adoption**

The County established a steering committee to guide staff in the preparation of this plan. The plan was prepared by the Planning & Public Lands Staff, and was reviewed by the Planning commission who recommended it to the County Commission for adoption. A public hearing was held on February 17, 2010, at which time this final plan was adopted.

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William D. Krompel, Chairman

Commissioner Jones Voted \_\_\_\_\_

Commissioner Krompel Voted \_\_\_\_\_

Commissioner Milovich Voted \_\_\_\_\_

ATTEST:

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Robert Pero, County Clerk/Auditor

**Steering Committee**

Special thanks to Gayla M. Williams  
Alison McCluskey  
Bill Zanotti  
Dan Johnson  
Daniel Gunnell  
Dave Levanger  
Delynn Fielding  
Deon Kone  
Floyd Johnson  
Frankie Hathaway  
Fred Hayes  
Jana Abrams  
Jim Hartley  
John Harja  
Kate Alleman  
Kathy Smith  
Lenard Stull  
Lowell Braxton  
Mark Ewell  
Mark Jones

Mary Alice Johnson  
Michael Bryant  
Pam Juliano  
Rebecca Steed  
Rex L. Sacco  
Roger Barton  
Ron Patterson  
Rudy Sandoval

**Planning Commission**

Richard Tatton  
Earl Gunderson  
Lynna Topolovec  
Lynna Gray  
RD Campbell  
Don Torgerson  
Tom Paluso  
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